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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,934	09/23/1999	MIYUKI KAWATAKA	FUJY-16.538	5328

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EXAMINER	
ABELSON, RONALD B	
ART UNIT	**PAPER NUMBER**
2666	11

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/401,934	KAWATAKA, MIYUKI	
	Examiner	Art Unit	
	Ronald Abelson	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *2,5 and 6* is/are allowed.

6)☒ Claim(s) *1,3 and 4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Allowable Subject Matter

1. The indicated allowability of claims 1, 3, and 4 is withdrawn in view of the newly discovered reference(s) to Soumiya and Thomas. Therefore, the finality of the prior office action has been withdrawn. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soumiya (US 5,936,958) in view of Thomas (US 5,960,215).

Regarding independent claims 1, 3, and 4, Soumiya teaches a method and apparatus for interfacing a frame relay network and an ATM network (fig. 15).

The system comprises a congestion information extracting means for extracting congestion information from data of one network of the frame relay network and ATM network (fig. 17 box 308, col. 26 ~~col.~~ ~~26~~ lines 51-54, 63-65).

The system comprises a congestion information writing means for writing the congestion information into data of the other network of the frame relay network and ATM network (fig. 17 box 307, col. ~~26~~ lines ~~4-10~~).

Regarding claim 3, Soumiya teaches setting congestion information along a forward direction defined from the ATM network to the frame relay network (col. 23 lines 56-64).

Regarding claim 4, Soumiya teaches setting the congestion information along a backward direction defined from the ATM network to the frame relay network (fig. 15: from box 305 to 301, col. 27 lines 11-14), a first mode in which the congestion information transmitted from the backward direction is directly set to congestion information of frame relay data (fig. 15 box 302, BECN, col. 27 lines 11-14), and a second mode in which congestion information of frame relay data is always set to "no congestion" (col. 27 lines 20-24).

Although Soumiya teaches an EFCI bit, the reference fails to teach a mode setting means for setting a mode for deciding congestion information of an output side in accordance with a

combination of the extracted congestion information and a setting condition, as specified in claims 1 and 3.

Soumiya also fails to teach a first mode in which "congestion occurs" is set to at least congestion information of frame relay data when the received ATM cell is a final ATM cell corresponding to a segment frame, and a second mode in which "congestion occurs" is set to congestion information of frame relay data when the received ATM cell is any of the ATM cells corresponding to a segment frame, as specified in claim 3.

Thomas teaches a mode setting means for setting a mode for deciding congestion information of an output side (fig. 39C field 2176, EFCI field, col. 57 lines 26-31) in accordance with a combination of the extracted congestion information (EFCI bits, col. 57 lines 26-31) and a setting condition (fig. 37 field 2122, OR_CI field, col. 57 lines 26-31), as specified in claims 1 and 3.

Thomas teaches a first mode in which "congestion occurs" is set to at least congestion information of frame relay data when the received ATM cell is a final ATM cell corresponding to a segment frame (col. 57 line 28), and a second mode in which "congestion occurs" is set to congestion information of frame relay data when the received ATM cell is any of the ATM cells

corresponding to a segment frame (col. 57 lines 26-28), as specified in claim 3.

Therefore it would have been obvious to one of ordinary skill in the art, having both Soumiya and Thomas before him/her and with the teachings [a] as shown by Soumiya, a method and apparatus for interfacing a frame relay network and an ATM network, and [b] as shown by Thomas, a mode setting means for setting a mode for deciding congestion information of an output side in accordance with a combination of the extracted congestion information and a setting condition, to be motivated to modify the system of Soumiya by setting an EFCI field according to the method of Thomas. This modification can be performed in software. This would improve the system by providing a method for transmitting if the congestion is in the end-of-packet slots (Thomas: col. 57 line 31).

Allowable Subject Matter

4. Claims 2, 5, and 6 allowed.

5. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 2, Soumiya teaches a method and apparatus for interfacing a frame relay network and an ATM network (fig. 15).

The system comprises a congestion information extracting means for extracting congestion information from data of one network of the frame relay network and ATM network (fig. 17 box 308, col. 26 col. 26 lines 51-54, 63-65).

The system comprises a congestion information writing means for writing the congestion information into data of the other network of the frame relay network and ATM network (fig. 17 box 307, col. 17 lines 4-10).

The system comprises setting congestion information along a forward direction defined from the ATM network to the frame relay network (col. 23 lines 56-64).

Although Thomas teaches a mode setting means for setting a mode for deciding congestion information of an output side (fig. 39C field 2176, EFCI field, col. 57 lines 26-31) in accordance with a combination of the extracted congestion information (EFCI bits, col. 57 lines 26-31) and a setting condition (fig. 37 field 2122, OR_CI field, col. 57 lines 26-31), the reference calls for only two modes, while the applicant has three distinct modes.

Regarding claim 5, the combination of Soumiya and Thomas teaches all the elements of the claim except while setting the congestion information along a backward direction defined from the frame relay network to the ATM network, the mode setting means selects any one of plural modes prepared by combining the state of congestion transition means with congestion information of frame relay data.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that Von Ahnen does not teach the step of extracting congestion information (applicant: pg. 3 lines 3-6). Therefore, a new search was performed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be

reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

RA

Ronald Abelson
Examiner
Art Unit 2666

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Seema S. Rao 12/2/03
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